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8

9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION
11

12 In re
13 NORTHERN HOLDING, LLC,
14 Debtor.
15
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Case No. 8:20-bk-13014-MW

Chapter 7

STIPULATION FOR TURNOVER OF
REAL PROPERTY LOCATED AT
1172 SAN MARCOS ROAD, PASO
ROBLES, CA

[NO HEARING REQUIRED]

18 TO THE HONORABLE MARK S. WALLACE, UNITED STATES BANKRUPTCY JUDGE, THE
19 OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

20 This stipulation is entered into between Richard A. Marshack, in his capacity as Chapter 7
21 Trustee (“Trustee”) of the Bankruptcy Estate (“Estate”) of Northern Holding, LLC (“Debtor”), on
22 one hand, and Rabbit Ridge Wine Sales, Inc. (“Rabbit Ridge”), on the other hand, with regard to
23 turnover of real property commonly known as 1172 San Marcos Road, Paso Robles, CA, APN Nos.
24 026-104-001, 027-145-022 (“Property”). Collectively, Trustee and Rabbit Ridge shall be referred to
25 as the “Parties.”

26 **Recitals**

27 A. On October 28, 2020, Debtor filed a voluntary petition for bankruptcy under Chapter
28 11 of Title 11 of the United States Code.

1 B. Rabbit Ridge asserts that it entered into a lease/rental agreement between Debtor and
2 Rabbit Ridge regarding the Property, which is dated October 27, 2020 (“San Marcos Lease”).

3 C. The San Marcos Lease states that Rabbit Ridge agreed to pay \$15,000 per month to
4 Debtor and the term of the San Marcos Lease expired on January 1, 2022. Additionally, paragraph
5 30 of the San Marcos Lease states that “Tennant will pay 20% custom crush revenue to NHC on top
6 of basis rate – billed in arrears monthly.”

7 D. No cash payments have been made to Debtor by Rabbit Ridge on account of the San
8 Marcos Lease.

9 E. On June 15, 2021, as Dk. No. 116, the Court entered an order converting the case to
10 Chapter 7. Richard A. Marshack is the duly-appointed and acting Chapter 7 trustee.

11 F. The Trustee requires possession and control of the Property to administer for the
12 benefit of the Estate.

13 G. The Trustee has requested, and Rabbit Ridge agrees to turnover of the Property to the
14 Trustee upon the terms stated below and Rabbit Ridge agrees, to the extent that the San Marcos
15 Lease may be valid, that the San Marcos Lease is terminated in its entirety.

16 The Parties agree and STIPULATE as follows:

17 1. Rabbit Ridge agrees that the San Marcos Lease, to the extent that it is valid, shall be
18 voluntarily and mutually terminated and any and all interests of Rabbit Ridge in the San Marcos
19 Lease shall be terminated, including but not limited to any leasehold or possessory interest in the
20 Property and any right to use the production facilities at the Property. The termination of the San
21 Marcos Lease shall be effective upon mutual execution of this stipulation.

22 2. Rabbit Ridge agrees that it will vacate and turn over possession of the Property and
23 all keys, gate openers, and all other methods of access to the Property to the Trustee on or before
24 midnight on July 31, 2021 (“Turnover Deadline”).

25 3. To the extent that any such rights exist, it is the intent of this Stipulation to extinguish
26 any occupancy, possessory, and rights of use of Rabbit Ridge at the Property.

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1 4. In the event Rabbit Ridge does not vacate and turn over possession of the Property by
2 the Turnover Deadline, and upon Trustee's request, the Clerk may issue a writ of assistance
3 authorizing the United States Marshals Service to remove and lock Rabbit Ridge out of the Property.

4 5. Trustee may seek all necessary and appropriate court orders to enforce the terms and
5 purpose of this Stipulation.


6 6. In the course of vacating the Property and turnover to the Trustee, Rabbit Ridge shall
7 not remove, destroy, disturb, or tamper with any of the following: furniture, fixtures including trade
8 fixtures, inventory, agricultural assets such as crops, vines, seeds, and raw and unfinished products,
9 wine barrels and casks, machinery and equipment (including but not limited to bottling and
10 processing equipment), materials, and ingredients of any kind.

11 7. This stipulation may be executed in one or more counterparts and facsimile or
12 electronic signatures may be used in filing this document with the Court.

13 Dated: July 27, 2021

14 By: 
15 RICHARD A. MARSHACK
Chapter 7 Trustee for NORTHERN HOLDING
LLC

16 Dated: July 27 2021

17 By: 
18 LEROY CODDING
Chief Executive Officer of RABBIT RIDGE
WINE SALES, INC.

19 Presented by:

MARSHACK HAYS LLP

20 Dated: July 27, 2021

21 By: /s/ D. Edward Hays
22 D. EDWARD HAYS
TINHO MANG
Attorneys for RICHARD A. MARSHACK

oPROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **STIPULATION FOR TURNOVER OF REAL PROPERTY LOCATED AT 1172 SAN MARCOS ROAD, PASO ROBLES, CA** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 9, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **August 9, 2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

NORTHERN HOLDING, LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY APPOINTMENT
OR LAW TO RECEIVE SERVICE
13217 JAMBOREE RD #429
TUSTIN, CA 92782

INTERESTED PARTY

LEE CODDING
13217 JAMBOREE RD #429
TUSTIN, CA 92782

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 9, 2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY: PRESIDING JUDGE'S COPY

HONORABLE MARK S. WALLACE
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE
411 WEST FOURTH STREET, SUITE 6135 / COURTROOM 6C
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 9, 2021 Layla Buchanan
Date Printed Name

/s/ Layla Buchanan
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:

- **ATTORNEY FOR U.S. TRUSTEE (SA):** Nancy S Goldenberg nancy.goldenberg@usdoj.gov
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